

EAST PALESTINE VILLAGE COUNCIL JULY 22, 2013 COMM CENTER 7PM

Mayor Zuch called the meeting to order, present were Atty. Beagle, Mr. Figley, Mr. Cohen, Mr. Elzer and Mr. Tyger and Mrs. Wisser. The minutes from the July 18 meeting were approved on a motion by Mr. Cohen, seconded by Mrs. Wisser. All in favor. There were no agenda items or Clerks report.

MAYOR: Mayor Zuch congratulated everyone who was involved with “An Evening on Market & Main”, there was a large turnout and they are planning to do it again in the fall. She stated that Adam Philips erected his new park map on Saturday, it was quite a project. At this point Mr. Philips thanked Council for allowing him to do the project and stated he felt it was very successful.

MANAGER: Manager Monteleone stated we are still working on the light poles as far as painting and the banners. There was a Street committee meeting earlier. The streets are slated to be chip & sealed this week. He stated that last week a pipe broke at the pool and had lost about a foot of water. He said the guys did a great job getting it fixed very quickly. The new trees from Rotary have been planted at the cemetery, and there was also a Planning Commission meeting in reference to the replat of lot 23 at Leslie Run.

LAW DIRECTOR: Atty. Smith stated that before the meeting a new ordinance was passed out allowing the Village Manager to sell road grindings, and he has requested this to be an emergency as it will generate some revenue and clear out space, so a motion to amend the agenda to add this legislation and to make it an emergency will be needed. She stated there were two pieces of legislation up for a third reading tonight, the purchase of the PNC building and the sale of the current building. The purchase agreement indicates that the building will be sold in its as is where is condition, once the legislation passes the Manager stated that he will be getting the building inspected. She also said there is a clause that indicates that no one will be able to acknowledge this information without the consent of both parties, but because we are a municipality it would be public record so Mr. Monteleone is going to call tomorrow to have that section redacted. She also stated she wasn't concerned with that issue because there is a section that states that “if any provision of this agreement is found to be illegal, invalid or unenforceable then that provision will be fully severable” and that the rest of the agreement will survive. She also said that in the legislation it stated that the purchase of the building would be contingent on the sale of the current building and that isn't in the purchase agreement and that Mr. Monteleone wouldn't be signing the agreement until he's completely comfortable with it. Mr. Cohen stated that the deed would be recorded and would become public but the purchase agreement would not be. Mr. Elzer said the purchase price would be. Mr. Cohen said he did not think the purchase of the PNC building was contingent on the sale of the current building and Mr. Elzer said it is by ordinance. Mr. Cohen asked if we wanted it that way and that he was certain that the current building would sell but his concern was if it didn't sell that it could slow down the purchase process. Atty. Smith stated that you can waive your own contingency and council could do that.

STREET: NO REPORT

SAFETY/PARK/REC/CEM: Mr. Cohen stated he attended the last Park Board meeting and they discussed some upcoming projects through the summer and fall. Park Board member Nate Foster explained they were working on an arts & crafts festival on Labor Day from around 10 to 5 with food and craft vendors. Mr. Cohen said another event discussed was a 3 on 3 basketball tournament and that had a lot of interest. Manager Monteleone asked who was heading it up, and Mr. Cohen said possibly Trisha Scott and Monteleone asked them to meet with him to go over everything. Mr. Cohen said there is more than just local interest for the basketball tournament. Monteleone asked about the proceeds and Mr. Cohen said he thought they would be going to the diving board fund. Dot Herbert said she didn't think Trisha was going to be involved in the arts and crafts show. Mrs. Wisser stated some kids from the high school basketball team did a 3 on 3 basketball tournament a few years ago and they did a good job organizing it. Mr. Elzer stated there are groups who organize 3 on 3 basketball tournaments nationally. Mr. Cohen stated that at the Park Board meeting another issue was discussed about use of the playground involving a sign there saying that says teenagers are not allowed to use the playground unless they are with a child. The only people who should be on the playground are children and the people accompanying them. The person taking issue with the sign feels that anyone should be allowed there at any time and questioned that the city was discriminating against people. Mr. Cohen stated he felt that as a municipality we are allowed to restrict the use of certain areas for example you can't get into the pool unless you pay. Mr. Figley asked what the sign actually said and Mr. Cohen stated that it said no teenagers allowed unless accompanied by a child. Manager Monteleone said that last year he was at the park to play tennis with his kids he watched older kids on the playground and their behavior was so foul that he saw

three families take their kids and leave and when the third family was leaving he went over and addressed the issue. Mr. Elzer asked if the cameras have helped with this issue and Atty. Beagle said not to that extent. She said she has a four and a nine year old and two years ago she wasn't able to take them to the play ground because of garbage and unspeakable items and also hearing unspeakable language and she doesn't have a problem with the playground being age appropriate. It's for the under twelve crowd so why do they need to hang out there, Rainbow Dreamland is there for children and the children can't use it. Mr. Elzer stated the Park Board made the decision to put the sign up and not council and asked if that is how it should work. Mr. Cohen said there is an issue with that; the sign went up without much discussion. He doesn't disagree with the sign itself but that is an issue and should have been dealt with through council. Dot Herbert stated that in working in the ticket booth she has had multiple parents that come to her and complain about the teenagers being in the playground and sometimes she does go and kick them out. Mayor Zuch said she is in favor of the sign but in the future the Park Board should make recommendations and then they should be brought before council. Manger Monteleone stated that Larry Wales did ask his opinion on putting the sign up and he told him he thought it was a good idea. Mr. Cohen said there are 150 acres of park for the teenagers to hang out in and for some reason they choose the playground. Manager Monteleone stated that in being from a law enforcement background the sign does give the police "teeth" if something does happen, but if someone is there and not causing a problem he wouldn't go in and kick them out. Mr. Cohen stated the gentleman with the complaint was told at the Park Board meeting to come to council if he wished to pursue the issue further and he did not come. Atty. Smith asked if council wanted her to prepare legislation based on a recommendation from the Park Board. Mr. Figley asked if the Park Board could do that, and Atty. Smith stated that section 7.06 of the Charter states that they can make recommendations and reports and may act as the trustee for property so as trustee of the property they have some authority. She also stated that the "no dogs" sign was done by ordinance and by ordinance you can give penalties. Mayor Zuch suggested they wait and see how things go in reference to preparing legislation about the sign.

DEVELOPMENT: Mr. Elzer said there was a very nice article in the paper about the police department and it makes development much easier when the Police Chief says if you want to commit a crime, don't do it here. He was there on the 4th of July when the police did a search in front of 2000 people and it definitely sends a message. The car cruise in on August 17. He said that downtown is becoming more heavily travelled by pedestrians and right turns on red have become an issue specifically at Rebecca St and he would like to see them eliminated. Manager Monteleone said he would check into it. Mr. Figley stated the line for the stop sign on Main St. before Market St. is put back so the trucks can turn, it is a good idea but it wasn't put back far enough and that is another place a "no right on red" sign needs to be. Mr. Elzer also said that there was a Planning Commission meeting and they approved the replat of lot 23 at Leslie Run.

UTILITY: Mrs. Wisser stated the Wheathill Reservoir is being filled. She called a Utility Committee meeting for August 12 at 6pm.

FINANCE: NO REPORT

At this point Mayor Zuch gave an overview of the legislation

VISITORS: Dianna Elzer, John Martin, John & Dot Herbert, Adam Philips, Jeremy Morris, Kent Chapman, Larry & Terri Ward, Jerry Coblenz, Nathan Foster, John & Bonnie Davis, Cpl. Brian Moore, John Hamner, Deanne Johnson.

LEGISLATION: Mr. Elzer made a motion to amend the agenda to add Ord. 29-2013, seconded by Mr. Figley. All in favor. Mr. Tyger made a motion to amend the agenda to declare Ord. 29-2013 to be an emergency, seconded by Mr. Cohen. All in favor. Atty. Beagle introduced Ord. 23-2013 for a third reading and made a motion that it be read by title only, seconded by Mr. Cohen. All in favor.

An ordinance providing for the authorization of the Municipal Manager to enter into and accept a purchase contract with PNC Bank, National Association successor by merger to the First National Bank of East Palestine, Ohio as to the purchase of real property know as 85 N. Market Street, East Palestine, Ohio 44413, permanent parcel nos. 68-0125000 and 68-01216000. Atty. Beagle called for a vote on Ord. 23-2013. Atty. Beagle-n, Mr. Elzer-y, Mr. Figley-y, Mr. Cohen-y, Mr. Tyger-y, Mrs. Wisser-y. 5 yes to pass. Atty. Beagle introduced Ord. 24-2013 for a third reading and made a motion that it be read by title only, seconded by Mr. Cohen. **An ordinance providing for the authorization of the Village Manager to offer for sale the current municipal building located at 144 N. Market St., East Palestine, Ohio, identified as permanent parcel no. 68-04105000, deemed not needed for municipal use with the approval of the board, officer, and/or municipal council, and in accord with methods of sale authorized by the Ohio Constitution and the Municipal Charter further dispensing with the requirements of Ohio**

Revised Code 721.01 and 721.03 et seq. Atty. Beagle called for a vote on Ord. 24-2013. Atty. Beagle-y, Mr. Elzer-y, Mr. Figley-y, Mr. Cohen-y, Mr. Tyger-y, Mrs. Wisser-y. 6 yes to pass. Atty. Beagle introduced Ord. 25-2013 for a second reading and made a motion that it be read by title only, second by Mr. Cohen. **An ordinance authorizing the Finance Director to make supplemental appropriations for the Village of East Palestine, Ohio for the Fiscal year beginning January 1, 2013.** Atty. Beagle introduced Ord. 26-2013 for a second reading and made a motion that it be read by title only, seconded by Mr. Cohen. **Authorizing the issuance of not to exceed \$235,000 of bonds for the purpose of constructing, reconstructing, and improving the West Street Bridge with related site improvements and appurtenances thereto, and retiring a note previously issued for such purpose; and approving related matters in connection with the issuance of the bonds.** Atty. Beagle introduced Ord. 27-2013 for a second reading and made a motion that it be read by title only, seconded by Mr. Cohen. **Authorizing the issuance of not to exceed \$165,000 of bonds for the purpose of acquiring, improving, and renovating a building for municipal purposes with related site improvements and appurtenances thereto; and approving related matters in connection with the issuance of the bonds.** Atty. Beagle introduced Ord. 28-2013 for a first reading and made a motion that it be read by title only, seconded by Mr. Cohen. **Granting director of transportation authority to maintain state highways, apply standard longitudinal pavement markings and erect regulatory and warning signs on state highways inside Village Corporation. Giving consent of the village to the plowing of snow and use of abrasives for ice control under the supervision of the director of transportation, State of Ohio.** Atty. Beagle introduced Ord. 29-2013 and made a motion that it be read by title only, seconded by Mr. Cohen. **An ordinance providing for the authorizing of the Village Manager to sell certain road grindings, deemed not needed for municipal use with the approval of the board, officer, and/or director having supervision thereof and/or municipal council, and in accord with the methods of sale authorized by the Ohio Constitution and Municipal Charter, further dispensing with the requirements of Ohio Revised Code 721.01 and 721.03, et seq.** Atty. Beagle made a motion to suspend the rules and declare an emergency. All in favor. Atty. Beagle called for a vote on Ord. 29-2013. Atty. Beagle-y, Mr. Elzer-y, Mr. Figley-y, Mr. Cohen-y, Mr. Tyger-y, Mrs. Wisser-y. 6 yes to pass.

ADJOURN: Mr. Cohen made a motion to, seconded by Mr. Tyger. All in favor, meeting adjourned.

MAYOR MARGO ZUCH

MISTI J. MARTIN CLERK